UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
'08 APR 23 AM 10: 39
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '08 MJ 1240
v.	COMPLAINT FOR VIOLATION OF:
Hector Francisco GALVAN-Velasquez, Defendant	Title 8, U.S.C., Sec. 1325 Illegal Entry (Misdemeanor)

The undersigned complainant, being duly sworn, states:

That on or about **April 22, 2008,** within the Southern District of California, defendant, **Hector Francisco GALVAN-Velasquez**, an alien, did knowingly and willfully enter the United States at a time and place other than as designated by Immigration Officers, and elude examination and inspection by Immigration Officers, a misdemeanor; in violation of Title 8, United States Code, Section 1325.

The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **23TH** DAY OF **APRIL 2008.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION RE:
Hector Francisco GALVAN-Velasquez

TVM

PROBABLE CAUSE STATEMENT

On April 22, 2008, at approximately 9:15 AM, Border Patrol Agent E. R. Juarez was conducting line watch operations in an area known as "Sony." This area is approximately five miles east of the San Ysidro, California Port of Entry and is just north of the United States / Mexico International Boundary.

While conducting line watch operations, Border Patrol Agent Juarez observed two individuals jump over the United States / Mexico International Primary Border Fence and run north towards the Secondary Border Fence. Border Patrol Agent Juarez drove west from his initial location and notified the Remote Video Surveillance System operator to take a look in the area. The two suspected undocumented aliens returned to Mexico by running south and jumping back over the Primary Border Fence. Just as they were returning to Mexico, the Remote Video Surveillance System operator notified Agent Juarez that two more suspected undocumented aliens had jumped over the Primary Border Fence and were running towards the Secondary Border Fence.

Agent Juarez noticed that one the subjects was holding a ladder and had hung it on top of the Secondary Border Fence pulling the concertina wire down to enable someone to climb over the fence. When Agent Juarez approached, one of the suspected undocumented aliens, later identified as **GALVAN-Velasquez, Hector Francisco**, had climbed the ladder. Agent Juarez also saw the other individual, who carried the ladder north and held the ladder for the defendant to climb up, return back into Mexico. Agent Juarez identified himself as a Border Patrol Agent to the defendant and asked him to descend the ladder. Border Patrol Agent Juarez conducted an immigration inspection on the defendant. The defendant admitted to being a citizen and national of Mexico not in possession of any immigration documentation that would allow him to enter or remain in the United States legally. The defendant was arrested and was transported to the Imperial Beach Border Patrol Station for processing.

Miranda rights were read to the defendant, he stated he understood his rights and was willing to speak without a lawyer present. The defendant stated that he is a citizen and national of Mexico present in the United States without any documentation that would allow him to enter or remain legally. The defendant stated that his intended destination was San Diego, California.